

## ARTICLE II. HISTORIC DISTRICT

**DIVISION 1.**  
**GENERALLY**

**Sec. 46-31. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Commission** means the historic district commission.

**Exterior architectural features** means the architectural style, general design and general arrangement of the exterior of a structure including the kind and texture of the building material and the type and style of all windows, doors, light fixtures, signs and other appurtenant fixtures.

(Code 1967, §§ 4B-3, 4B-8)

**Sec. 46-32. Established; purpose.**

In order to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinctive characteristics of buildings and places associated with the history of or indicative of a period or style of architecture of the town, of the state or of the nation, and through the development of appropriate settings for such buildings and places, a historic district within the town as more particularly described in section 46-33, is hereby established pursuant to the provisions of G.S. §§ 7-147a--7-147k, inclusive.

(Code 1967, § 4B-1)

**State law references:** Similar provisions, G.S. § 7-147a.

**Sec. 46-33. Boundaries.**

(a) The boundaries of the proposed historic district on Enfield Street are as follows: Bounded on the north by Route 190 and extending south on Enfield Street on a little more than two miles to the approximate intersections of Oliver Road on the east and Old King Street on the west; but including house number 1489, owned by Thomas R. Smyth on the east; and house number 1503, owned by Herbert M. Carson on the west; these houses being of historic and architectural significance.

(b) All homes, buildings and real property within the north to south boundary of such district aforementioned and bordering upon Enfield Street shall be included within the boundaries of such district. The boundary shall extend east from the state highway markers on the east side of Enfield Street to the rear property line of such homes, buildings or real property bordering upon Enfield Street but in no event more than 250 feet east from such state highway markers. The boundary shall extend west from the state highway markers on the west side of Enfield Street to the rear property line of such homes, buildings or real property bordering upon Enfield Street, but in no event more than 250 feet west from such state highway markers.

(c) The following exceptions are made: The residence of Thomas Smyth at 1489 Enfield Street, 300 feet depth; the Orrin Thompson house only, in the Felician Sisters complex, 525 feet depth.

(d) "Rear property line" shall mean the line delineated on the deed or map describing such home or real property and designating the furthest eastern or western point from Enfield Street.

(e) Reference is hereby made to a map entitled "Enfield Historical District" which map is not included herein but may be found on file in the office of the town clerk.

(Code 1967, § 4B-2)

**Sec. 46-34. Action by commission to prevent illegal acts; penalty for violations.**

(a) If any action or ruling taken by the commission pursuant to the provisions of G.S. §§ 7-147a--7-147k, inclusive, or of this article has been violated, the commission may, in addition to other remedies, institute an action in the superior court for the judicial district wherein such violation exists, which court shall have jurisdiction to restrain such violation and to issue orders directing that the violation be corrected or removed. Such order may direct the removal of any building, structure or exterior architectural feature erected in violation of said sections or this article or the substantial restoration of any building, structure, or exterior architectural feature altered or demolished in violation of said sections or any regulation or ordinance adopted under said sections. Regulations and orders of the commission issued pursuant to said sections, or to any regulation or ordinance adopted under said sections, shall be enforced by the building inspector or by such other person as may be designated by ordinance, who may be authorized to inspect and examine any building,

structure, place or premises and to require in writing the remedying of any condition found to exist therein or thereon in violation of any provision of the regulations or orders made under the authority of said sections or of this article.

(b) The owner or agent of any building, structure or place where a violation of any provision of such statutes or of this article has been committed or exists, or the lessee or tenant of an entire building, entire structure or place where such violation has been committed or exists, or the owner, agent, lessee or tenant of any part of the building, structure or place in which such violation has been committed or exists, or the agent, architect, builder, contractor, or any other person who commits, takes part or assists in any such violation or who maintains any building, structure or place in which any such violation exists, shall be fined not less than \$10.00 nor more than \$100.00 for each day that such violation continues; but, if the offense is wilful, the person convicted thereof shall be fined not less than \$100.00 nor more than \$250.00 for each day that such violation continues. The superior court for the judicial district wherein such violation continues or exists shall have jurisdiction of all such offenses, subject to appeal as in other cases. Each day that a violation continues to exist shall constitute a separate offense. All costs, fees and expenses in connection with actions under this section may, in the discretion of the court, be assessed as damages against the violator, which, together with reasonable attorney's fees, may be awarded to the historic district commission which brought such action. Any funds collected as fines pursuant to this section shall be used by the commission to restore the affected buildings, structures, or places to their condition prior to the violation wherever possible and any excess shall be paid to the municipality in which the district is situated.

(Code 1967, § 4B-12)

**State law references:** Similar provisions, G.S. § 7-147h.

#### **Sec. 46-35. Appeals.**

Any person or persons severally or jointly aggrieved by any decision of the historic district commission or of any officer thereof may, within 15 days from the date when such decision was rendered, take an appeal to the superior court for the judicial district in which such municipality is located, which appeal shall be made returnable to such court in the same manner as that prescribed for other civil actions brought to such court. Notice of such appeal shall be given by leaving a true and attested copy thereof in the hands of or at the usual

place of abode of the chairman or clerk of the commission within 12 days before the return day to which such appeal has been taken. Procedure upon such appeal shall be the same as that defined in G.S. § 8-8.

(Code 1967, § 4B-13)

**State law references:** Similar provisions, G.S. § 7-147i.

#### **Sec. 46-36. Exempted acts.**

Nothing in this article shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in the historic district which does not involve a change in the appearance or design thereof; nor to prevent the erection or alteration of any such feature which the building inspector or a similar agent certifies is required by the public safety because of a condition which is unsafe or dangerous due to deterioration; nor to prevent the erection or alteration of any such feature under a permit issued by a building inspector or similar agent prior to the effective date of establishment of such district.

(Code 1967, § 4B-14)

**State law references:** Similar provisions, G.S. § 7-147j.

Secs. 46-37--46-60. Reserved.

### **DIVISION 2.**

#### **HISTORIC DISTRICT COMMISSION**

#### **Sec. 46-61. Established; composition; qualifications and compensation of members.**

The historic district commission is hereby established. The commission shall consist of five regular members who shall be appointed as provided in section 46-62 and three alternate members who shall be appointed as provided in section 46-63. Each regular and alternate member of the commission shall be a resident elector of the town holding no salaried municipal office. Three or more regular members of the commission shall reside in the historic district, if three or more persons who reside in such district are willing to serve on the commission. The commission shall possess the powers and perform the duties and functions of an historic district commission as provided in the Connecticut General Statutes and as more particularly set forth in this article. No regular or alternate member of the commission shall receive any compensation for his service.

(Code 1967, § 4B-3)

**Sec. 46-62. Appointment of regular members.**

The regular members of the commission shall serve for five-year overlapping terms, commencing on September 1. The town council shall annually appoint one regular member, who shall serve until his successor is duly appointed. Any vacancy in the term of any member of the commission shall be filled by appointment by the town council for the unexpired term.

(Code 1967, § 4B-4)

**Sec. 46-63. Appointment of alternate members.**

The alternate members of the commission shall serve for five-year overlapping terms, commencing on September 1. As the term of each alternate member expires, the town council shall appoint an alternate member, who shall serve until his successor is duly appointed. Any vacancy occurring in the term of any alternate member of the commission shall be filled by appointment by the town council for the unexpired term.

(Code 1967, § 4B-5)

**Sec. 46-64. Organization; election of officers.**

(a) Annually during the month of September the commission shall elect from among its regular members a chairman, a vice-chairman and a clerk.

(b) When a regular member of the commission is absent, because of illness or otherwise, or has a conflict of interest, he shall notify the chairman, who shall forthwith designate one of the alternate members to serve in the place of such regular member. Such alternate member shall thereupon exercise all the powers and duties of a regular member of the commission until the absence or conflict of interest of the regular member shall have terminated. The chairman shall choose alternates in rotation so that they shall act as nearly equal a number of times as possible. If any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting.

(Code 1967, § 4B-6)

**Sec. 46-65. Powers and responsibilities generally; meetings; quorum.**

The commission shall exercise the powers and responsibilities imposed upon a historic district commission by the provision of the General Statutes. It shall fix the time and place of its regular meetings and may hold such special meetings as

may from time to time be required. The commission shall keep a record of its proceedings, deliberations and actions and shall annually report to the town respecting its work. The commission shall adopt rules of procedure not inconsistent with the provisions of the General Statutes and may, within the limit of appropriations made for the purpose by the town, employ clerical and technical assistants or consultants. The presence of three regular members or, in the case of proper designation of an alternate or alternates as provided by the terms of this article, the presence of three regular and alternate members shall constitute a quorum. No resolution or vote to adjourn or to fix the time and place of its next meeting shall be adopted by less than three affirmative votes.

(Code 1967, § 4B-7)

Secs. 46-66--46-80. Reserved.

**DIVISION 3.****CERTIFICATE OF APPROPRIATENESS****Sec. 46-81. When required; "exterior architectural features" defined.**

No building or structure, including stone walls, fences, signs, light fixtures, steps and paving or other appurtenant fixtures, shall be erected, altered, restored, or demolished within the historic district until after an application for a certificate of appropriateness as to exterior architectural features has been submitted to the commission and approved by the commission. The style, material, size and location of outdoor advertising signs, posters and other such notices within the historic district shall also be under the control of the commission.

(Code 1967, § 4B-8)

**Sec. 46-82. Application; hearing; action of commission.**

(a) The historic district commission shall hold a public hearing upon each application for a certificate of appropriateness unless the commission determines that such application involves items not subject to approval by the commission. The commission shall fix a reasonable time and place for such hearing. Notice of the time and place of such hearing shall be given by publication in the form of a legal advertisement appearing in a newspaper having a substantial circulation in the municipality not more than 15 days nor less than five days before such hearing.

(b) Within not more than 65 days after the filing of an application as required by G.S. § 7-147d, the commission shall pass upon such application and shall give written notice of its decision to the applicant. When a certificate of appropriateness is denied, the commission shall place upon its records and in the notice to the applicant the reasons for its determination, which shall include the bases for its conclusion that the proposed activity would not be appropriate. In the notice to the applicant the commission may make recommendations relative to design, arrangement, texture, material and similar features. The commission may issue a certificate of appropriateness with stipulations. Evidence of approval, as referred to in G.S. § 7-147d, shall be by certificate of appropriateness issued by the commission. Failure of the commission to act within said 65 days shall constitute approval and no other evidence of approval shall be needed.

(c) In its deliberations the commission shall not consider interior arrangement or use and shall take no action except for the purpose of preventing the erection, reconstruction, restoration, alteration or razing of buildings in the historic district obviously incongruous with the historic aspects of the district.

(Code 1967, § 4B-9)

**State law references:** Similar provisions, G.S. § 7-147c.

**Sec. 46-83. Considerations in determining appropriateness; solar energy systems.**

(a) If the commission determines that the proposed erection, alteration or parking will be appropriate, it shall issue a certificate of appropriateness. In passing on appropriateness as to exterior architectural features, buildings or structures, the commission shall consider, in addition to other pertinent factors, the type and style of exterior windows, doors, light fixtures, signs, above-ground utility structures, mechanical appurtenances and the type and texture of building materials. In passing upon appropriateness as to exterior architectural features the commission shall also consider, in addition to any other pertinent factors, the historical and architectural value and significance, architectural style, scale, general design, arrangement, texture and material of the architectural features involved and the relationship thereof to the exterior architectural style and pertinent features of other buildings and structures in the immediate neighborhood. No application for a certificate of appropriateness for an exterior architectural feature, such as a solar energy system, designed for the utilization of renewable resources shall be denied unless the commission finds that the

feature cannot be installed without substantially impairing the historic character and appearance of the district. A certificate of appropriateness for such a feature may include stipulations requiring design modifications and limitations on the location of the feature which do not significantly impair its effectiveness. In passing upon appropriateness as to parking, the commission shall take into consideration the size of such parking area, the visibility of cars parked therein, the closeness of such area to adjacent buildings and other similar factors.

(b) In its deliberations, the historic district commission shall act only for the purpose of controlling the erection or alteration of buildings, structures or parking which are incongruous with the historic or architectural aspects of the district. The commission shall not consider interior arrangement or use. However, the commission may recommend adaptive reuse of any buildings or structures within the district compatible with the historic architectural aspects of the district.

(Code 1967, § 4B-10)

**State law references:** Similar provisions, G.S. § 7-147f.

**Sec. 46-84. Variations, permissible when.**

Where, by reason of topographical conditions, district borderline situations or because of other unusual circumstances solely with respect to a certain parcel of land and not affecting generally the district in which it is situated, the strict application of any provision of this article would result in exceptional practical difficulty or undue hardship upon the owner of any specific property, the commission in passing upon applications shall have power to vary or modify strict adherence to said sections or to interpret the meaning of said sections so as to relieve such difficulty or hardship; provided such variance, modification or interpretation shall remain in harmony with the general purpose and intent of said sections so that the general character of the district shall be conserved and substantial justice done. In granting variations, the commission may impose such reasonable and additional stipulations and conditions as will, in its judgment, better fulfill the purposes of said sections. In addition to the filing required by G.S. § 7-147e(b) the commission shall, for each variation granted, place upon its records and in the notice to the applicant the reasons for its determinations.

(Code 1967, § 4B-11)

**State law references:** Similar provisions, G.S. § 7-147g.